



W.P.(MD)No.22275 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22275 of 2025
and
W.M.P.(MD)No.17391 of 2025

1.Arumugam

2.Chinnapandi

... Petitioners

Vs.

1.The District Collector,
O/o.District Collector Office,
Madurai District.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tirumangalam Taluk,
Madurai District.

3.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

4.The Revenue Inspector,
Thirupparankundram Taluk,
Madurai District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued under section 7 of Tamil Nadu Land Encroachment Act, 1905 by the 4th respondent dated 27.03.2025 and consequent impugned notice issued under section 6 of Tamil Nadu Land Encroachment Act, 1905 issued by the 3rd respondent dated 04.08.2025 and quash the same as illegal.

For Petitioners :Mr.M.Vivek Kumar

For Respondents :Mr.C.Venkatshkumar
Special Government Pleader

ORDER

Heard both sides.

2. Vide order dated 19.12.2024 in W.P.(MD)No.30310 of 2024, we had directed the Tahsildar, Thirupparankundram Taluk to clear the encroachments in Survey No.83, Thanakkankulam Village. It has been classified as Periyakanmoi. Pursuant to the said direction, the eviction order has been passed against the petitioners herein.

3. The primary contention urged by the petitioners' counsel is that before conducting survey, they were not put on notice. He would also allege



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that there are other encroachers and that they have not been targeted.

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4. The learned Special Government Pleader concedes that before conducting survey, notice was not given to the petitioners herein.

5. We therefore direct the third respondent to conduct fresh survey on 29.08.2025 from 11.00 a.m. The petitioners will not receive any independent notice. They will be present at the spot. The third respondent has to issue notices to the other interested persons / encroachers. The eviction order impugned in this writ petition will abide by the outcome of the survey. If it turns out that the petitioners' homes have been put up in the water body, it has to be necessarily removed. The petitioners are given six months time from the date of conducting the survey to vacate. This benefit will be available to the petitioners only if they file an undertaking affidavit before the third respondent that they would vacate the premises at the end of the six months period. We also grant liberty to the petitioners to apply to the first respondent seeking alternative accommodation / site. The first respondent will consider the same and pass an appropriate order. If the petitioners are eligible and fall within the norms, their request will have to be considered favourably.



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Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
14.08.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

- 1.The District Collector,
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O/o.Revenue Divisional Office,
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